IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A. O. NO. 200 OF 2001

Shivaldas S.Talreja ... Appellant.
VS.
Ramchandra R. Wakade & ors. ... Respondents

Ms. Gauri Godse for appellant.
Mr. P.S. Dani for respondents.

CORAM: D. G. KARNIK **J.**

DATE: 22nd September 2006

P.C.:

1. This appeal is directed against the order dated 24th January 2001 passed by the Civil Judge, Senior Division, Alibag, restraining the appellants/ original defendants from disturbing the possession and enjoyment of the plaintiffs over the suit property and from causing any construction and / or demolition of existing structures.
2. The respondents are the original owners of the suit property. By an agreement dated 15th June 2000 the respondents entered into a development agreement with the appellants. By notice dated 23rd October 2000 the development agreement as well as the power of attorney given in favour of the appellants were terminated. Thereafter the respondents filed a suit against the appellants for a declaration that the development agreement as well as the power of attorney

has been validly terminated and for an injunction as mentioned above. In the suit the respondents prayed for an interim injunction. By the impugned order the injunction was granted.

3. Mr. Dani for the respondents states that the hearing of the suit has commenced. Examination in chief of the plaintiff has been recorded and the respondent is presently under cross examination.

4. Considering the fact that the injunction is in force and the hearing of the suit has commenced it would be appropriate to direct the expeditious hearing of the suit without interfering with the order of injunction passed. Hence the appeal is disposed of. The trial of the suit is expedited. The trial judge shall dispose of the suit as expeditiously as possible and in any event within a period of one year. Needless to say that the trial court shall not be influenced by any of the observations made while deciding this appeal.

(D.G. KARNIK J.)

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CIVIL APPELLATE JURISDICTION
Civil application No. 223 of 20061
in
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VS.
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In view of the disposal of the appeal this Civil application does not survive and is disposed of.

(D.G. KARNIK J.)